

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

December 11, 2003

I. CALL TO ORDER

Chair Jim Denton convened the meeting at 5:00 p.m.

II. ROLL CALL

Lloyd Baker

Chuck Booth

A. J. Culver

Julie Davidson

Roger Loschen

III. MINUTES

Regular Meeting: Chair Denton presented the minutes of the Regular Meeting of November 13, 2003 for review and action by the Board members.

Action: *Roger Loschen moved and A. J. Culver seconded the motion to adopt the minutes of the Regular Meeting of November 13, 2003. The Board voted (five in favor) to approve this record. Julie Davidson abstained, as she did not attend the November 2003 Regular Meeting.*

IV. ADMINISTRATION

A. Chair's Report

General Business

Chair Denton reported that the Board has been active in the following matters, including: (1) King County Executive/Council 2004 Work Program as it relates to the Boundary Review Board; (2) Boundary Review Board 2004 budget management plan; (3) reclassification of Reginald Holmes; (4) work with the State Association to develop and implement a program for work with Legislature 2004; (5) pre-development review for future Notices of Intention; and (6) relocation of Board offices within the Yesler Building. Committee members and staff will report on each of these activities.

WSBRB Association – 2004:

Lenora Blauman reported that the State Association is conducting a survey to determine Board member interests and preferences for 2004 training and education events, including a single combined Educational Workshop/Annual Conference supplemented by periodic regional seminars. Board members are urged to quickly return that survey to Susan Winchell, so that planning can begin for 2004 programs.

Roger Loschen and Lenora Blauman reported that the Association is developing a plan for working with the 2004 State Legislature. The 2004 Legislature is slated to have a short – 60-day – session. However, it appears that legislators will be asked to consider numerous bills that could affect the structure and function of the Board. Bills are being proposed by the Association of Washington Cities (AWC), by Washington State Association of Counties (WSAC), and by special purpose districts. King County could also propose legislation that would confirm, modify, or eliminate the role of the Boundary Review Board.

For example, reportedly AWC will be dropping bills proposing to revise annexation procedures -- including bills to streamline annexation, bills to revise referenda requirements, technical fixes to the election provisions to the petition method bill; mandatory (or optional) interlocal agreements for island annexations.

AWC is proposing to change the definition of islands to include all unincorporated land in Urban Growth Areas. AWC is also proposing to eliminate the authority of the Boundary Review Board to review island annexations. With all lands then defined as islands, the public review process provided by the Board for annexations would be terminated.

The Board's role for incorporations and for special purpose district actions does not appear to be affected by legislation known to be under consideration by AWC. It is not clear where WSAC will stand on these bills.

However, the role of the Board could also be modified by legislation proposed in 2003 – e.g., proposals by special purpose districts to require the Board to distribute assets in conjunction with city assumptions. All bills that were not actually removed from the 2003 Legislative Agenda will remain viable in the upcoming Legislative Session.

Susan Winchell and Lenora Blauman are working with the American Planning Association Legislative Team to monitor pending legislation. The Association will be working to put together a one-page platform – to provide information defining points favoring and opposing legislation – to guide the Legislature with respect to bills that will impact annexation and the role in of the Boundary Review Board in evaluation of applications for annexation and other actions. Ms. Winchell and Ms. Blauman will also coordinate a visit to Olympia in January 2004 to meet with key legislators concerning proposed bills that will affect the Boundary Review Board.

Mrs. Blauman stated that King County is reportedly supportive of continuing a public review process through the Boundary Review Board. However, as AWC has not officially proposed legislation to date, County officials have provided no written position statements concerning legislation that would affect the Board. Therefore, it is not possible to confirm the County's position with respect to the future of the Board.

Chair Denton invited comment on this matter. Board members began a preliminary discussion concerning the appropriate role for – and the limitations upon -- the Board in developing position with respect to pending legislation. The following comments were offered:

- While the State Association is responsible for coordinating work with the State Legislature, the Association has made a decision not to employ a consultant for 2004. Rather, Association staff (Susan Winchell and Lenora Blauman) and the Association's Legislative Committee will be undertaking to provide legislative services. There is some concern that – with the pending numerous bills that could significantly impact Boundary Review Boards – the absence of a dedicated consultant could hamper the ability of the Association to work effectively with the Legislature.
- In addition to working with the Association, it is likely that our Board may need to work directly with various local and state officials to address issues specific and unique to King County. In preparation for meetings with County officials or State legislators, our Board may wish to develop guidelines for participation in the legislative process.
- The King County Board – in conjunction with the Association or as a separate entity – should consider creating a public relations program to utilize in working with County officials or State legislators to provide information about Board services and activities.
- In working with King County officials and State Legislators, it would be appropriate for the Board members to present facts concerning the Board's responsibilities for providing a public review process. Similarly, Board members could speak about the role of the organization in evaluating and acting upon Notices of Intention.
- The Board could reasonably advocate for this organization as an agency that provides for a valuable an independent, quasi-judicial process. However, advocating for the Board simply to maintain the existing organization would not provide a strong (or acceptable) point in support of the Boundary Review Board.

The Board agreed to undertake a formal discussion to develop legislative guidelines. This discussion will be scheduled for the January 2004 Regular Meeting.

B. Committee Reports

Budget Committee:

County Council - 2004 Budget Review: A. J. Culver and Lenora Blauman reported that the County Council has adopted the 2004 budget – including \$232,000 for our Board. Reportedly the Council was influenced by the Executive -- and the Office of Management and Budget -- who stated their strong support for the Board.

In adopting the 2004 Budget for the Board, the County Council also made a commitment to include in their 2004 Work Program a plan to intensively examine annexation standards and annexation processes. Mrs. Blauman reported that she would discuss this Work Program in more detail in a report on the activities of the King County Executive/Council.

Boundary Review Board 2004 Budget Management: Lenora Blauman reported that, at the November 2003 Regular Meeting, staff reported that each year the Board staff develops a Work Program. The Work Program is the basis for the development of budget lines to support planned activities.

Key budget lines supporting activities include the Training budget line, the Mileage budget lines, and the Travel & Subsistence Budget line. Those budget lines are based on Work Program estimates for the number of meetings and other professional activities requiring participation by Board members and/or staff members. The Travel & Subsistence budget line is the most heavily subscribed – and occasionally oversubscribed -- budget line.

The Travel & Subsistence budget line includes:

- Local travel by Board members and staff to Regular Meetings, Special Meetings, and Committee Meetings;
- Local travel by Board members and staff to WSBRB Association conferences, workshops and meetings;
- Local travel by Board members and staff to the State Legislature;
- Local and national travel to education and training programs

In view of the high utilization of the Travel & Subsistence budget line, staff has provided a Travel & Subsistence Report to the Board Members in order to enable the Board to examine – and perhaps revise – policies related to travel and subsistence expenditures.

Mrs. Blauman reported that in years when the number of activities and/or level of participation by Board and staff members exceed the Work Program predictions, travel expenditures periodically exhaust the funds allocated to the Travel and Subsistence line. Excess charges have been limited, so that it has been possible to meet travel and subsistence expenditures by transfer of funds from other lines in which a surplus exists. In 2003 the costs for travel and subsistence have exceeded the funding allocation – however, sufficient funding remains in other budget lines to accommodate these costs. King County permits transfer of funds among budget lines with the requirement that costs may not be incurred in excess of the total budget authorization for an agency.

In previous reviews of the Travel & Subsistence Line, the Board has considered revisions such as elimination of funding for meals in conjunction with Regular Meetings; reduced representation at educational programs; and/or shared travel costs for some professional activities (e.g., APA National Conference). In previous years, the Board has made a decision to continue to support the current Travel & subsistence funding plan in order to recognize the value of participation by Board members and staff in various professional activities and educational programs (e.g., Board and Association activities, professional education programs) to the Boundary Review Board.

Staff suggested that, at this time, as the Board plans for specific budget lines for 2004 and subsequent years, Board members might wish to review policies and allocations for travel and subsistence expenses. This task is generally undertaken biannually based upon the fact that the travel and subsistence line is the most extensively utilized budget line.

Mrs. Blauman noted, however, that the Board may wish to make an immediate decision concerning staff participation in the 2004 American Planning Association National Conference. If the Board wishes staff to attend the Conference, there is a cost saving for payment of the registration fee in 2003. Mrs. Blauman reported that if the Board is interested in sending a participant to the conference, then she would agree to pay for a portion of the costs (e.g., air and ground travel) with personal funds. The registration fee is refundable for a certain period of time in the event that the Board finds there is insufficient funding to support participation in this Conference.

Chair Denton invited comment upon the staff report. Board members agreed that a review of the Travel & Subsistence Line would be timely.

Action: Lloyd Baker moved and A. J. Culver seconded the motion to refer to the Steering Committee and the Budget Committee the review of the Boundary Review Board's Travel & Subsistence Budget Line. The joint committee meetings should be scheduled to begin in January 2004. The motion passed by unanimous vote.

Chair Denton invited comment upon participation at the 2004 National APA Conference. Discussion included comments concerning the educational advantages and the financial costs involved in participation in the Conference.

Action: Lloyd Baker moved and Roger Loschen seconded a motion to authorize Mrs. Blauman to pay the registration fee for the 2004 American Planning Association National Conference. Final authorization to attend the Conference is pending completion of the Board review of the Travel & Subsistence Budget line for 2004. The Board voted (five in favor) to support this motion. A. J. Culver abstained.

Personnel Committee: Lenora Blauman reported on the status of the application to reclassify Reggie Holmes' position from Administrative Staff Assistant to Administrator II.

Reclassification was initially proposed in order to provide Mr. Holmes with recognition of the specific work he performs for the Board and to provide opportunities for salary advancement which were then unavailable to him as Administrative Staff Assistant.

Mr. Holmes and Mrs. Blauman completed the preliminary draft of this reclassification application based upon the initial reclassification plan – designed in Spring 2003 – which provided for submittal of this application in January 2004.

At this time, however, staff is seeking to place this project “on hold” as a result of a series of recent events which have changed the circumstances that served as the basis for the plan to seek reclassification for Mr. Holmes.

More specifically, in view of pending state legislation which may markedly alter – or eliminate – the service that the Boundary Review Board provides for the County, Mr. Holmes may be required to seek employment elsewhere in the County. At the present time – and for the foreseeable future – the County has a considerably greater array of opportunities for administrative staff assistants; there are very few opportunities for administrators.

Also, as the Board provides a unique service, the requirements for an Administrator II serving the Boundary Review Board are significantly different from (and may be unlikely to translate to) the requirements for an Administrator II in other County government units. That fact could reduce Mr. Holmes ability to compete for other administrator II positions.

Additionally, as a result of recent modifications to County employment policies and standards, Mr. Holmes will receive a substantial salary increase in 2004. This increase addresses Mrs. Blauman's concerns and Mr. Holmes concerns about the previous lack of opportunity to adequately remunerate Mr. Holmes for his outstanding service to the Board.

For the present, Mr. Holmes' goal to be competitive in the County "market" has been determined to take priority over our interest in more precisely "codifying" his job description. However, at any time that a reclassification of the administrative staff position to Administrator II becomes essential to benefit the Boundary Review Board – and/or Mr. Holmes -- the reclassification application would be returned to active status.

At present, the Human Resources Department does not place specific deadlines or other time requirements on requests for reclassification of eligible candidates. Mr. Holmes will become eligible for reclassification in January 2004. Reclassification requests are reviewed by Human Resources at the time of application.

Chair Denton invited comment by Board members. Board members reported that the proposed strategy for supporting Mr. Holmes appears reasonable and timely. Board members wish to ensure that – in the event a reclassification becomes desirable – there are means to pursue this action.

Action: A.J. Culver moved and Roger Loschen seconded a motion to place Mr. Holmes reclassification application "on hold" for the present. The reclassification application shall immediately be reactivated if necessary to appropriately recognize Mr. Holmes service to the Boundary Review Board. The motion was adopted by unanimous vote.

C. EXECUTIVE SECRETARY'S REPORT

King County Executive/Council Work Program:

The King County Executive is in the process of developing a 2004 Work Program. That Work Program will establish as a key priority the annexation of unincorporated urban areas. Primary tasks for the annexation program will be:

- The proposal of legislation which supports annexation as envisioned in the State Growth Management Act;
- The design of specific criteria and tools to encourage/support city annexations.
- The revision of the County Comprehensive Plan to establish more extensive and stringent policies relating to incorporation and annexation requirements and to set higher standards for city services.

Michael Thomas of the Executive's Office of Management and Budget will be coordinating the development of the Executive's Work Program. Mrs. Blauman reported that she has been invited to work with Mr. Thomas to create the provisos for the Work Program.

Simultaneously, the Council is preparing a Work Program. With respect to annexations, the Council is considering the following options:

Option 1:

Under this option, the Boundary Review Board would be permitted to continue the current review process. The Council would "(use this process) to ensure that negative fiscal impacts are considered by the Board." Reportedly "this could be done by 'invoking jurisdiction', [which triggers a BRB hearing] and urging the BRB to deny an annexation based on service impacts to the remaining adjacent areas that are not annexed. This would require increased attention and focus by both the Council and Executive."

Option 2:

Under this option, "(Council) staff would evaluate opportunities for changes in state law. For example, state law could be amended to require pre-annexation agreements between the county and a city prior to annexation of any area. In addition, opportunities could be explored for reorganizing the BRB as part of the legislative branch."

As a portion of the King County Executive/Council Work Program, Mrs. Blauman reported that King County could also propose several other bills that could affect the structure and function of the Board. Similarly, the County could act to support or oppose bills relating to annexations that may be proposed by the Association of Washington Cities (AWC), by Washington State Association of Counties (WSAC), and by special purpose districts.

Mrs. Blauman reported that she has not received any specific proposed bills at this time. However, she stated that she has been provided with reliable written information and verbal reports concerning several pieces of legislation which are being formulated or which are being considered by various government units. For example, Mrs. Blauman has received notice indicating that the AWC will consider proposing legislation to require Interlocal Agreements (ILA) for annexation of island areas. Other proposed legislation would reduce requirements for referenda/elections for such annexations. King County reportedly supports this legislation. Some cities reportedly do not support this legislation. There is no information on the WSAC position concerning such legislation.

There is also a proposal – reportedly proffered by AWC – to change the definition of an “island” to eliminate requirements for contiguous borders with cities. That legislation would appear to then permit all – or a majority of – unincorporated properties to be defined as islands. As a corollary, AWC is also proposing a bill to eliminate Board review of island annexations. In that situation, there is question as to the future role of the Board in review of annexations.

There is also apparently a plan for special purpose districts to seek legislation that would permit those districts to continue to serve properties following the incorporation of those properties into cities. If this proposal is adopted into law, it is unclear whether – or by what means – a city could propose to serve properties within its boundaries. It is anticipated that special purpose districts will propose additional legislation in 2004.

When the Executive and the Council have completed their preliminary work programs, these documents will form the framework for the development of a final Work Program for 2004. The adoption of a final Work Program is planned for early 2004. However, numerous challenges remain obstacles to the completion of a final document. For example, while the Executive reportedly seeks to encourage annexations – the draft Comprehensive Plan includes policies which are likely to discourage (or prevent) cities from bringing in new properties. Further, the Comprehensive Plan seeks to prohibit small area annexations. Incorporations would also be prohibited. Service requirements would be established at a level which some cities cannot support. Some of these Comprehensive Plan provisions appear to conflict with state law. Some of these provisions are the source of substantial contention between the County and its cities.

When a Work Program is adopted, the Executive’s Office has planned to hold a series of meetings with King County officials and with staff to provide briefings on goals and processes for annexation. The Executive will also continue meetings with the Suburban Cities Association and with the Association of Washington Cities (AWC) to generate interest in and support for annexation of urban growth areas. The Boundary Review Board has been invited to send representatives -- Board members and staff -- to participate in these meetings.

Jim Denton and Lenora Blauman will be requesting participation by Board members in these meetings. Chuck Booth, A. J. Culver, Roger Loschen, and Lloyd Baker have already agreed to attend these meetings.

In addition, Mrs. Blauman reported that she is working with the Council’s lead staff to set up a series of Boundary Review Board briefings with County Council. The briefings will have two purposes. More specifically, the briefings are intended to provide information about the Board’s role and responsibility for public review of incorporations, annexations, mergers, and other actions. A brief summary of Boundary Review Board regulatory authorities, activities, and future work program will be included in that presentation. The briefings are also intended

to provide an opportunity for Council members and Council staff to share questions and concerns with the Board.

Finally, Mrs. Blauman will invite County Council representatives to the Boundary Review Board Orientation and Training Program to provide an opportunity for the Council to fulfill that component of the Council Work Program which calls for the Council to educate the Boundary Review Board concerning County priorities and policies for annexation.

Boundary Review Board Office Space: Mrs. Blauman reported that the interim relocation of the Board offices will take place on January 9, 2004. The offices provide newer amenities and improved security. The work space is considerably smaller, however, creating a challenge for placement of all essential equipment and materials. It appears that there may be some violations of ADA regulations – the County facilities management staff is working to correct this violation. It is uncertain whether this effort will be successful.

Mr. Clancy, Leasing Supervisor, reports that, as the County's Seismic Project is completed next year, Facilities Management should be able to identify a more permanent home for the Board. It is possible that the Board would move to the Administration Building. The Board also could become a candidate for the new building, due for completion in 2007.

Based upon the fact that the Board offices will be relocating on January 9th, staff is requesting that the January Regular Meeting be moved from January 8 to January 15, 2004. Based upon an informal survey of Board members, this plan to reschedule is acceptable. Due notification will be provided for this change of schedule.

2004 Orientation Program: The Board is planning the 2004 Orientation and Training Program. At the January Regular Meeting Mike Thomas and Karen Reed will speak about the Executive's Work Program as it relates to the role and responsibilities of the Boundary Review Board.

At the February Regular Meeting, Paul Reitenbach and Karen Wolf will speak about the Comprehensive Plan – with an emphasis on new policies related to creation and change of jurisdictional boundaries – including incorporation, annexation, and other actions. Chandler Felt will speak about the Annual Growth Report.

The County Council will also be invited to send representatives to speak about the Council Work Program as that plan relates to the Boundary Review Board.

D. Correspondence

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

V. NEW BUSINESS

A. Notices of Intention

File No. 2159 – City of Redmond Mage Annexation: Mrs. Blauman reported that the City of Redmond proposed a Notice of Intention to incorporate a portion of the Mage Annexation Area. In 2002, the City initially proposed the Mage Annexation at 35 acres. That action failed at election. The new Notice of Intention proposed 18 acres for annexation. However, the file failed to comply with Notice of Intention instructions. For example, the City proposed an 18 acre annexation – but approved by Resolution a 35 acre annexation – with the plan to accept additional properties into the annexation if the property owners were interested in joining this action. Board staff has placed this application on hold, as the Board cannot consider actions in which the proposed action and the resolution are inconsistent. The City of Redmond is considering whether to amend the resolution to confine the action to 18 acres or whether to withdraw that application to consider other annexation plans.

Board members did not offer questions or comments on the substance of the file.

B. Pending Files

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| - Auburn | - Covington |
| - Kent | - Ronald Sewer District |
| - Woodinville | - Kirkland |
| - Federal Way | - Redmond |
| - Renton (8 files) | - Snoqualmie |
| - Tukwila | |

VI. Adjournment

Action: Lloyd Baker moved and Chuck Booth seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 6:00 p.m.